

REMARKS

This Amendment is being filed in response to the Office Action mailed on March 19, 2007, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Further, the specification has been amended for better conformance with the drawings.

By means of the present amendment, claims 1-5 have been amended for non-statutory reasons, such as for better form including beginning the dependent claims with 'The' instead of 'A', changing "characterized in that" to --wherein--, and deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Claims 1-5 were not amended in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, claims 1-2 and 4 are rejected under 35

U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,339,233 (Yang). Further, claims 3 and 5 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yang. It should be noted that page 4, item 7 of the Office Action incorrectly refers to Yang as U.S. Patent No. 4,565,314 (Scholz). From the body of the rejection recited in item 8, where column 2, lines 29-36 are recited to refer to a lamp shade 7 and screw holes 72, it is presumed that Yang is intended, and not Scholz which appears to be not relevant. Clarification is respectfully requested. It is respectfully submitted that claims 1-15 are patentable over Yang for at least the following reasons.

Yang is directed to a lamp assembly that can be adjusted along X, Y and Z axes. It is respectfully submitted that Yang is completely silent and does not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 6 and 11, which, amongst other patentable elements, requires (illustrative emphasis provided):

said housing is movable between the operational position [where the radiation emission plane is horizontal] and the rest position, [where the radiation emission plane is vertical] with a single rotation of the pivot shaft [which pivotally connects

the housing to the support] about a pivot axis
extending through the pivot shaft.

A housing which is movable between the operational position and the rest position with a single rotation of the shaft about a pivot axis extending through the shaft that connected the housing to the support, as recited in independent claims 1, 6 and 11, is nowhere taught or suggested in Yang.

The only rotational movement in Yang appears to be at a swivel 12, which connects the lower arm 3 to the base 1. The upper arm 5 appears to move up and down, or toward and away from the lower arm. Further, the Yang lamp shade 7 also does not rotate about any shaft axis. Rather, the Yang lamp shade 7 appears to move or tilt up and down by forward or backward movement of the upper wiring tube 54.

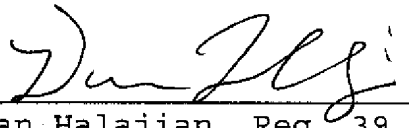
Accordingly, it is respectfully submitted that independent claims 1, 6 and 11 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-5, 7-10 and 11-15 should also be allowed at least based on their dependence from independent claims 1, 6 and 11.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the

foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded. And in particular, no Official Notices are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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Enclosure: New Abstract

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